

POLICY STATEMENT

It is company policy to provide equality in employment for all people employed or seeking employment. Every person must be given a fair and equitable chance to compete for appointment, promotion or transfer and to pursue their career as effectively as others.

GLOSSARY OF TERMS

CROSS REFERENCES and other RESOURCE MATERIAL

[Discrimination against the Disabled](#)
[Racial Discrimination](#)
[Religious and Political Discrimination](#)
[Sexual Discrimination](#)

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Discrimination and Harassment

It is company policy to provide equality in employment for all people employed or seeking employment. Every person must be given a fair and equitable chance to compete for appointment, promotion or transfer and to pursue their career as effectively as others.

Discrimination in employment on the grounds of race, colour, sex, age, political opinion, religion, nationality, social origin or disability is specifically prohibited.

Distinction, exclusion or preference made on these grounds is considered to have the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

Currently in force is legislation on equal opportunity (anti-discrimination). All employers are subject to the legislation and liability may be borne by persons who do not directly discriminate.

Failure to comply with this policy and relevant legislation could attract unfavourable publicity, financial penalties and be detrimental to good employee relations.

Issues involving equal opportunity laws arise in all stages of the employment relationship. In the recruitment and selection process, when a person is employed, trained and allocated to a workplace, when a person is promoted, demoted or transferred and when the employee's employment is terminated.

Harassment

It is company policy to provide all employees a working environment that is free from harassment, such behaviour at any level will not be tolerated.

A person sexually harasses another by making unwelcome sexual advances or requests for sexual favours, or engages in other unwelcome conduct of a sexual nature.

The following behaviours or situations can be examples of harassment;

- Unnecessary physical contact such as brushing up against a person, touching, patting, pinching or grabbing.
- Repeated invitations or requests for social engagements which are clearly unwelcome.
- Leering, jokes innuendos or taunting remarks about a person's body, attire, etc.
- Display and distribution of sexually graphic material.
- Sexist jokes or comments.
- Favours or promise of favours, advantages in return for submission to sexual advances or alternatively the threat of reprisal for refusing them.

Managers and supervisors have the responsibility to;

- Provide an environment which discourages inappropriate behaviour
- Set an example by their own behaviour
- Ensure that all employees are aware of the appropriate standard of conduct for the workplace
- Treat all complaints seriously and confidentially
- Take immediate and corrective action if they become aware of offensive behaviour
- Ensure that complainants and witnesses are not victimised in any way.

Complaints

Where possible complaints of discrimination or harassment will initially be dealt with in-house and with the utmost confidence.

Agreement will be sought between the individuals involved for the matter to be dealt with by way of internal or external mediation and resolved without publicity outside of those immediately involved. This will be possible if both parties agree to accept the recommendation of the mediator, but will ensure that confidentiality and discretion is maintained.

In the event that the mediator recommends counselling or training for either party with respect to the general issues, it is expected that the person for whom the counselling or training is recommended will undertake this as soon as it becomes available, even if it means that the person's free time has been set aside for the purpose.

Any instance of conduct which is construed as sexual harassment should be reported by the aggrieved employee to the Directors, who shall refer the matter to a person in senior management. In the case of conduct by the immediate manager, the aggrieved employee should report inappropriate conduct by their immediate manager to the next senior manager in the reporting line.

The Directors shall ensure that a proper investigation is conducted and shall seek the agreement of both the complainant party as well as the party against whom the complaint has been made, to have the issue dealt with by way of mediation.

This will ensure that confidentiality is maintained, as well as securing the dignity and esteem of the parties.

The company is fully committed to having any issue resolved in a way which prevents or minimises any damage to the company, or any affront, harm or prejudice to any party.

Managers or supervisors who fail to take appropriate corrective action when aware of harassment of a person, may themselves be subject to disciplinary action.

Equal Employment Opportunity

The company is committed to the elimination of discriminatory practices and beliefs at the workplace which impinge on equality of opportunity in employment. All employees are entitled to work in an environment which is free of discrimination.

Discrimination means denying an individual fair and equal treatment in employment on grounds other than those relevant to the job requirements.

That recognition be given to the needs of women in the workplace to encourage them to apply for a wider range of jobs within the organisation. The merit principle will form the basis of recruitment, promotion and development.

Abilities, skills, qualifications and experience will be considered without regard to sex, national origin, race, religion and marital status. The philosophy and principles of Equal Employment Opportunity will be advocated at all levels of the company.

Diversity and Equality

These legal obligations apply to all of us.

Longstanding legislation makes discrimination unlawful on the grounds of:

- Sex.
- Gender reassignment.
- Marital status.
- Race, ethnicity, national origin, colour or nationality.
- A person's disability.

And in Northern Ireland, also on the grounds of:

- Religion.
- Political opinion.
- Belonging to the Irish Traveller Community.

New legislation was introduced in December 2003 making discrimination unlawful throughout the UK on the grounds of sexual orientation, religion or belief.

Legislation prohibiting age discrimination will be introduced in 2006.

It's important we keep you up to date with these legal obligations, which apply to all of us.

Diversity and equality is in everything we do.

And each of us is responsible for behaving appropriately and for challenging discriminatory behaviour.



The law says there are two kinds of discrimination.

- Direct Discrimination

Direct Discrimination occurs where a person is treated less favourably because of his or her:

- sex, gender reassignment or marital status.
- race, ethnic or national origin, colour or nationality.
- sexual orientation.
- religion or belief.
- compared to others who are not from that group.

In respect of disability, Direct Discrimination occurs where an individual is treated less favourably for a reason relating to his or her disability.

- Indirect Discrimination

Indirect Discrimination is where selection criteria, policies, rules or other practices are applied to all employees, but have the effect of disadvantaging people of one particular group. This is unlawful unless the practice can be justified for an objective business reason.

Remember, Indirect Discrimination is where selection criteria, policies, rules or other practices are applied to all employees, but have the effect of disadvantaging people of one particular group. This is unlawful unless the practice can be justified for an objective business reason.

Indirect Discrimination is harder to spot than Direct Discrimination:

Saying that a role must be carried out on a full-time basis.

This could amount to Indirect Discrimination on the grounds of sex since more men than women work full-time, unless there is a clear business case for requiring the job to be done full-time.

Requiring an employee to work late on Friday afternoons to carry out a particular task.

This could potentially be indirect religious discrimination if the employee had to be home before nightfall on Fridays for religious reasons. This would only be lawful if the manager had explored alternative ways of getting the task done with the employee and concluded that there was no alternative and that getting the task done on Friday afternoons was business critical.

Where a practice or physical feature of the workplace places a disabled person at a substantial disadvantage.

An employer must make reasonable adjustments to remove the disadvantage (e.g. installing a screen reader on the individual's computer).

Harassment can be another form of discrimination.

Harassment includes behaviour which is offensive or distressing. It includes unwanted physical contact, bullying and banter. The law says harassment occurs where the behaviour creates an "intimidating, hostile, degrading, humiliating or offensive environment". But, when it comes to harassment, what if the offence caused is unintentional?

Whenever we see unacceptable behaviour, we all have an obligation to take responsibility for the situation and do something about it.

Claims of discrimination can be brought against you personally, not just the firm.

And if your job involves managing other people then you have additional obligations and responsibilities for everyone in your team.

If you see or hear of any behaviour that could offend others, or be considered as unacceptable, then you need to take steps to address it. There are a number of guides that will assist you, and reference is made to these at the end of this course.

Self Assessment

We've covered the main issues. But, as you'd imagine, they're not always cut and dried. Time for some self-reflection through the following questions.

Tom has been criticised for banter about Mike being Irish. Tom is adamant that it wasn't meant maliciously and says that "if we can't have a joke in the office, it's going to become a very boring place". What do you think?

- I don't agree with Tom. Banter can be hurtful, even if it wasn't meant maliciously. He should apologise.
- I agree with Tom to an extent. Banter's fine - however it's probably right that he apologises to Mike.
- I agree with Tom. If it wasn't meant maliciously, it's not unacceptable. We should just move on.

It's the day after the office party. Steve complains to you, as his manager, that Sarah made jokes about him at the party because he's a Jehovah's Witness. He's demanding that you ask Sarah to apologise. What would you do in this situation?

- Answer Get Sarah to apologise about her behaviour.
- Apologise on Sarah's behalf, as it's easier than having them face each other.
- Persuade Steve that pursuing this will cause more trouble than it's worth.

Ian has to attend a formal meeting with his manager after commenting to his colleague Anne that "it was scientifically proven that women had fewer brain cells than men". Do you think your Ian should be disciplined for his comments?

- I don't think that he should be disciplined. It's situations like these that make a mockery of the Diversity and Equality policy. This is PC nonsense.
- It seems a bit harsh. I don't think he should have made the comment and it's right that his manager asks to see him - but it will depend on the circumstances as to whether he is disciplined.
- Yes, he should be disciplined.

Dean and Kelly work together on a project. They discover a mutual interest in music. Dean invites Kelly to a gig but she says she can't make it. The next week he asks her again, and again she declines. When he asks her a third time, she makes a complaint that he is harassing her. Do you think Kelly is being reasonable in complaining of harassment?

- Yes.
- No.
- I don't have enough information.